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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,972	09/29/2006	Hideki Shimizu	062953	8178
38834 7590 03/08/2010 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
NGO, CHUONG A				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
03/08/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

### Office Action Summary

**Application No.**

10/594,972

**Applicant(s)**

SHIMIZU ET AL.

**Examiner**

CHUONG A. NGO

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS/US)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. This action is in response to the communication mailed on September 3, 2009, applicant has submitted an Amendment, Filed on December 2, 2009.
2. Claims 1-9 are pending, with claims 1 amended and claims 2, 3, 5, 9 have been canceled.
3. Applicant's arguments filed December 2, 2009 have been fully considered but they are not persuasive.
4. Applicant argued that combination of the afore-cited references does not teach or disclose wherein said first transmitter comprises an operating means for conducting a transmitting operation by which the radio field intensity outputted from said first antenna is set higher than the radio field intensity outputted from said second antenna in amended claim 1.
  - a. Examiner disagrees because with the combination of Smith and Ishikawa disclose all the structures of the claimed invention, included have antenna coverage different area see Fig. 2, from Smith. Smith disclose in paragraph [0099], where showing Smith invention can set each antenna to cover different area. See Smith paragraph [0122], Fig. 10, shows a graph of the angular power of the omni directional beam for three difference elements with three different spacing. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was make to modify or combine the Smith and Ishikawa inventions to provide a

system with method for configure different antenna to cover different are  
base on radio resources.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Public 20040077379 (hereinafter Smith) in view of US Patent Application Public 20040087282 (hereinafter Ishikawa).

Regarding claim 1, Smith discloses "A transmission system" (see **Paragraph [0066], Fig. 2**) comprising;

Smith discloses "a first transmitter having a first antenna" (see **paragraphs [0089],[0090], Fig. 2, The first transmission signal chain 401 has in series a transmission signal combiner A 410, a transmitter A 412 and an antenna 500**); and "a second transmitter having a second antenna" (see **paragraphs [0089],[0090], Fig. 2, the second transmission signal chain 402 has a transmission signal combiner B 420, a transmitter B 422 and an antenna 510**), wherein, "in a connecting state where said first transmitter and said second transmitter are connected" (see **paragraph [0092], Fig. 2, broadcast 408**), "said first antenna and said second antenna simultaneously

transmit identical information on a same transmission signal" (see paragraph [0091], **Simultaneously, both transmission signal chains 401 and 402 transmit a common overhead channel so that the overhead channel can be received anywhere within the coverage area 60).**

Although, Smith does not explicitly discloses "same transmission signal being a carrier signal". However, attention is directed to Ishikawa, which teaches "same transmission signal being a carrier signal" (see paragraph [0028], Fig. 1, **5, the case system is a space diversity case, namely, a case in which the same information (transmission signal A=transmission signal B) is transmitted from two antennas 106 and 116 with the same frequency (for example, FIG. 5)).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was make to modify the Smith invention, and have same transmission signal being a carrier signal, as taught by Ishikawa, thereby, improving spectral efficiency and maintaining communication quality by making the signal resistant to interference, as discussed by Ishikawa, (see paragraphs [0004], [0005]),

Smith disclose "wherein, said first transmitter comprises an operating means for conducts a transmitting operation by which the radio field intensity outputted from said first antenna is set higher than the radio field intensity outputted from said second antenna" (see paragraph [0099], Smith discloses set

different field intensity as set antenna to coverage area, thereby, with Smith invention can set different field intensity on each antenna).

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Public 20040077379 (hereinafter Smith) in view of US Patent Application Public 20030224729 (hereinafter Arnold).

Regarding claim 4, Smith discloses all the subject matters of the claimed invention concept except "using loop antenna". However, attention is directed to Arnold, which teaches "using loop antenna" (**see paragraph [0069], antenna 902 may be a monopole or dipole electric field antenna or a magnetic field loop antenna**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was make to modify the Smith invention, and have loop antenna, as taught by Arnold, thereby, providing the way to avoid unintentional interference from wireless devices, as discussed by Arnold, (see paragraphs [0003], [0005]).

8. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Public 20040077379 (hereinafter Smith) in view of US Patent Application Public 20040014457 (hereinafter Stevens).

Regarding claims 6-8, Smith discloses all the subject matters of the claimed invention concept except "biometric function to measure biometric information". However, Stevens teaches "biometric function to measure biometric information" (**see paragraph 34-54**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was make to modify the Smith invention, and have biometric function to measure biometric information, as taught by Arnold, thereby, providing mobile device can use for multiple functions, as discussed by Arnold, (see paragraphs [0003], [0005]).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHUONG A. NGO** whose telephone number is 571-270-7264. The examiner can normally be reached on Monday through Thursday 6:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHUONG A NGO/  
Examiner, Art Unit 2617

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617